



October 2010

This issue includes information on EPCRA reporting, an industrial storm water permit update, an air regulatory update and more. If you have questions or topic suggestions, please reply to this email.

Environmental Assistance Conference – November 3

The S.C. Department of Environmental Control will host its Environmental Assistance Conference on Wednesday, November 3.

"We provide this conference for our state's regulated community," said Bob King, DHEC's Deputy Commissioner of Environmental Quality Control. "This is the fifth one we've presented and historically we've seen strong attendance from industrial representatives, school district officials, medical staff, small business owners, and employees of other government agencies."

King said this year's conference agenda will include sessions on greenhouse gases, industrial storm water, hazardous waste and the recently-passed surface water law. Attendees will also be able to discuss compliance inspections with regional DHEC inspectors.

"We want to be certain to provide various opportunities for attendees to ask specific questions of our technical staff," King said. "There will be many exhibits highlighting our program areas so everyone can walk away with a better understanding of what they need to do to be in compliance with state and federal laws and regulations."

The conference will be held from 9 a.m. until 4 p.m. at the Columbia Conference Center off Fernandina Road between St. Andrews and Piney Grove roads. The conference registration fee is \$55.

For more information on the conference, or to register, see the conference webpage at: <http://www.scdhec.gov/eac>.

For conference information contact Rebecca Sproles at (803) 896-8883 or sprolemr@dhec.sc.gov

Industrial Storm Water Permit Update

The Department intends to have an effective date of **January 1, 2011** for the Industrial Storm Water General Permit. The extended public notice period ended May 25, 2010. The Department will be officially responding to the comments received during public notice in the immediate future and will be submitting the proposed permit to EPA, Region 4 for its final review. The Department will be sending the recertification Notice of Intent (NOIs) out as soon as the final permit is issued. For future updates on the status of the industrial storm water permit, go to www.scdhec.gov/stormwater.

Permits for Pesticide and Herbicide Application

The federal courts have ruled that the application of pesticides, including herbicides, on or near water requires a permit under the federal Clean Water Act. DHEC plans to have a draft permit for public review in late 2010. Following a review of public comments, DHEC plans to issue a permit

in early 2011, with the effective date being in early April. The court deadline for pesticide application to be covered under EPA's 2006 rule, without an NPDES permit, is April 9, 2011.

The following are the initial pesticide uses that EPA expects to be covered by an NPDES permit:

- Flying pests (e.g., mosquitoes)
- Aquatic weed
- Aquatic nuisance animals
- Forest canopy

The Department is also considering adding an additional pesticide use pattern, Intrusive Vegetation Control, which is not currently in the EPA draft permit.

For more information go to http://www.scdhec.gov/environment/water/docs/npdes_pesticide.pdf, or contact Jeff deBessonnet in DHEC's Bureau of Water at: debessjp@dhec.sc.gov or 2600 Bull Street, Columbia, SC 29201. This will also be a session topic at the SC DHEC Environmental Assistance Conference on November 3.

EPA's website on aquatic pesticides: <http://cfpub.epa.gov/npdes/pesticides/aquaticpesticides.cfm>

E-Plan Required Method of Reporting Tier II Inventory under EPCRA

The Emergency Planning & Community Right-to-Know Act (**EPCRA**) requires facilities storing any substance for which a material safety data sheet (MSDS) is required by OSHA and in quantities exceeding the Threshold Planning Quantity (specified for Extremely Hazardous Substance or 10,000 pounds for all other substances) to report these substances to the State, Local Emergency Planning Committees (LEPC's) and fire departments. The SC State Emergency Response Commission requires an annual submission of a Tier II report due **March 1** from qualifying facilities. For more information about Tier II reporting, visit the South Carolina EPCRA website at <http://www.scdhec.gov/environment/baq/EPCRA-Tier2Reporting>.

Beginning in 2011, the South Carolina State Reporting point will require the use of E-Plan to satisfy the State's Tier II reporting requirements. E-Plan is a highly secure, web-based information system that holds facility-specific hazard information from numerous sources. Facilities have to sign up for an account in E-Plan at <http://erplan.net/eplanning/onlinefiling/filingLogin.htm> and authorize a user to have access to the system. Facilities can enter information directly into E-Plan or import the Tier II Submit files into the system. **We no longer accept other reporting methods.** E-Plan has online training on <http://eplannews.utdallas.edu/Training.htm>.

The E-Plan's online Tier2 Reporting System will not allow facilities to submit their Tier II data until the Submission Validation Report indicates all required fields are correct and "Upload Data to E-Plan" has been pressed. The system will send an email message to the reporting facility stating their submittal was received, after their Tier II data is submitted.

Bureau of Air Quality Regulatory Update

1. The S.C. DHEC Bureau of Air Quality published the following Notice in the June 25, 2010, State Register:

Notice of Proposed Regulation for the 2009 End-of-Year Revisions. The Department proposes to amend R. 61-62.1, Definitions and General Requirements, and the State Implementation Plan (SIP) to incorporate amendments to the definition of Volatile Organic Compounds (VOCs) promulgated by the EPA on January 21, 2009. The Department also proposes to amend R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards; 61-62.61, National Emission Standards for Hazardous Air

Pollutants; 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories; and 61.62.72, Acid Rain, to incorporate by reference recent federal amendments promulgated from January 1, 2009, through December 31, 2009. The Department also proposes to amend R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards, Subpart I, Standards of Performance for Asphalt Concrete Plants, to change the name of the Subpart to match 40 CFR 60 Subpart I. The comment period closed on July 26, 2010, and a staff informational forum was conducted on July 26, 2010. No comments were received. A Public Hearing before the board for final approval of these proposed amendments is scheduled for November 10, 2010.

For more information, please contact Alan Hancock at (803) 898-4139 or hancocam@dhec.sc.gov.
http://www.scdhec.gov/environment/baq/docs/regs/20100625_09EOY.pdf

2. On July 6, 2010, the EPA released its proposed Transport Rule to replace the Clean Air Interstate Rule (CAIR).

On May 12, 2005, the EPA promulgated the CAIR (70 FR 25162). The CAIR used a cap and trade approach to reduce sulfur dioxide (SO₂) and nitrogen oxides (NO_x). On July 11, 2008, the U.S. Court of Appeals for the D.C. Circuit (Court of Appeals) vacated the CAIR. Following petitions filed by parties in the litigation, the Court of Appeals issued a subsequent opinion on December 23, 2008, wherein it remanded the CAIR to the EPA without vacatur. This left CAIR in effect while the EPA develops a replacement rule.

As a result, The Transport Rule was published in the August 2, 2010, Federal Register (75 FR 45210). On September 1, 2010, the Department attended the Transport Rule Public Hearing in Atlanta, Georgia, and provided written testimony. The Department has reviewed the rule and formulated written comments on its content. These comments were submitted on October 1, 2010, the end of the comment period.

More Information on EPA's proposed transport rule can be found at:
<http://www.epa.gov/airquality/transport/actions.html#jul10>

For more information or questions, please contact Alan Hancock at (803) 898-4139 or hancocam@dhec.sc.gov.

3. The S.C. DHEC Bureau of Air Quality published the following Notice in the July 23, 2010, State Register:

Notice of Drafting for R. 61-62.5, Standard No. 7, Prevention of Significant Deterioration; R. 61-62.5, Standard No. 7.1, Nonattainment New Source Review (NSR); and the South Carolina Air Quality Implementation Plan (State Implementation Plan or SIP). The Department is proposing amendments based on the requirements of the *Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard* (70 FR 71612) and the final rule entitled *Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5})* (73 FR 28321). These amendments will not require legislative approval. The comment period closed on August 23, 2010.

The Department plans to provide initial Notice for public comment in the *State Register* on November 26, 2010.

For more information, please contact Alan Hancock at (803) 898-4139 or hancocam@dhec.sc.gov.

4. As announced in the July 2010 Compass E-news, on May 13, 2010, the EPA issued a rule, Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas Tailoring Rule

(Tailoring Rule), aimed at limiting carbon dioxide and other greenhouse gas emissions from the largest sources in the United States. This rule “tailors” the requirements of the Clean Air Act permitting programs to limit which facilities will be required to obtain PSD and Title V permits.

In preparation for the planned release of this rule, the Department began working with the General Assembly in Spring 2010 to prepare a joint resolution to adopt the EPA’s Tailoring Rule in order to give the Department adequate time to develop the necessary regulation revisions. On June 7, 2010, the resolution was ratified and subsequently signed into law by the Governor on June 11, 2010.

On August 12, 2010, the EPA proposed two rules to fill the gap for any state that cannot make the necessary changes to its permitting program by January 2011. The first rule (75 FR 53892) recognizes that certain states currently have authority to issue a PSD permit to sources of GHG emissions. As such, EPA has issued a “SIP call,” which would require states to revise their state implementation plans (SIPs) to ensure that their PSD programs cover GHG emissions. States and local areas subject to the proposed SIP call include: Alaska; Arizona: Pinal County; Rest of Arizona (Excludes Maricopa County, Pima County, and Indian Country); Arkansas; California: Sacramento Metropolitan AQMD; Connecticut; Florida; Idaho; Kansas; Kentucky: Jefferson County; Rest of Kentucky; Nebraska; Nevada: Clark County; Oregon; and Texas. In the second rule (75 FR 53883), the EPA proposes a federal implementation plan (FIP) that would apply in any state that is unable to submit, by a specified deadline, a SIP revision to ensure that the state has authority to issue permits under the PSD program for GHG sources.

5. On September 16, 2009, the EPA announced it would reconsider the 2008 national ambient air quality standards (NAAQS) for ground-level ozone. The EPA committed to propose any needed revisions to the ozone standards by December 2009 and issue a final decision by August 2010. On January 6, 2009, the EPA proposed to strengthen the “primary” standard to a level between 0.060 and 0.070 parts per million (ppm) measured over eight hours and the “secondary” standard within the range of 7-15 ppm-hours.

On August 20, 2010, the EPA announced it was delaying the release of the final ozone NAAQS. The EPA is delaying the release of the final ozone NAAQS until approximately October 31, 2010. A status report filed by EPA with the court announcing this new date is available here:

http://airweb.timberlakepublishing.com/rc_files/5042/ENV_DEFENSE-ozone_08_--_Second_Abeyance_Status_Report.pdf

6. The S.C. DHEC Bureau of Air Quality published the following Notice in the September 24, 2010, State Register:

Notice of Cancellation and Rescheduling of Public Hearing from October 14, 2010, to November 10, 2010: R. 61-62/61-86.1 General Update ("Regulation Clean Up"). This notice reschedules the public hearing initially noticed in the State Register (Document No. 4130) on June 25, 2010, from October 14, 2010, to November 10, 2010. This public hearing includes DHEC board approval to amend R. 61-62 and 61-86.1 to address certain regulatory issues, provide clarification, delete or update obsolete requirements, and correct typographical errors where necessary. These amendments will require legislative approval.

The original public hearing notice from the June 25, 2010, Notice of Proposed Regulation, is available here:

http://www.scdhec.gov/environment/baq/docs/regs/20100625_CleanUp_NPR.pdf.

The Notice of Cancellation and Rescheduling of Public Hearing can be found here:

<http://www.scdhec.gov/administration/regs/notice-4130-public-hearing-rescheduled.htm>.

More information on these proposed changes are on the web at:

http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/regulation_clean_up.asp

For more information or questions, please contact Andrew Hollis at (803) 898-4196 or hollisao@dhec.sc.gov.

Web Update

The Bureau of Air Quality recently updated the following web pages:

Education and Outreach

<http://www.scdhec.gov/environment/baq/EducationAndOutreachServices/>

Spare the Air Awards

<http://www.scdhec.gov/environment/baq/SparetheAirAwards/>

Take a Break from the Exhaust

<http://www.scdhec.gov/environment/baq/TABFTE/>

Regulation and SIP Management

<http://www.scdhec.gov/environment/baq/Regulation-SIPManagement/>

Green Tip

Waste Audits

Have you considered auditing what is in your dumpster? It may be helpful for your facility to audit your trash to determine what percentage of your waste is recyclable or reusable items, or items that can be eliminated or reduced. This can be done by selecting a typical day or week and sorting your dumpsters. This will give you a visual of what you are sending to the landfill. Done successfully, you can reduce the amount of waste being sent to the landfill and even reduce dumpster pulls. The reduced dumpster pulls can result in decreased cost in waste handling and more money into the facility's operating budget. For assistance with a waste audit or for more information, contact the SC DHEC Center for Waste Minimization at 803-896-8986 or visit www.scdhec.gov/cwm.

Additional Newsletters

UST Newsletter

http://www.scdhec.gov/environment/lwm/html/ust_news.htm

Swimming Pool Newsletter - Newsplash

<http://www.scdhec.gov/environment/water/recreation.htm#splash>

Smart Business Recycling Program

http://www.scdhec.gov/environment/lwm/recycle/smart_business/archive.htm

Non-Point Source Newsletter - Turning the Tide

<http://www.dhec.sc.gov/environment/water/npspage.htm#npsnews>

Environmental Laboratory Certification – Update

<http://www.scdhec.gov/environment/envserv/lcupdates.htm>

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